

A CERTIFIED TRUE COPY

ATTEST

By Darion Payne on Nov 02, 2009

FOR THE UNITED STATES  
JUDICIAL PANEL ON  
MULTIDISTRICT LITIGATIONUNITED STATES  
JUDICIAL PANEL ON  
MULTIDISTRICT LITIGATION

Oct 15, 2009

UNITED STATES JUDICIAL PANEL  
on  
MULTIDISTRICT LITIGATIONFILED  
CLERK'S OFFICEIN RE: HYDROXYCUT MARKETING  
AND SALES PRACTICES LITIGATION

A rectangular filing stamp with the word "FILED" in large, bold, slanted letters at the top. Below it, the date "NOV - 2 2009" is stamped. At the bottom, it reads "CLERK, U.S. DISTRICT COURT, SOUTHERN DISTRICT OF CALIFORNIA" and "BY: [signature] DEPUTY".

MDL No. 2087

(SEE ATTACHED SCHEDULE)

09 md 2087 - BTM(AJB)

**CONDITIONAL TRANSFER ORDER (CTO-1)**

On October 6, 2009, the Panel transferred 13 civil actions to the United States District Court for the Southern District of California for coordinated or consolidated pretrial proceedings pursuant to 28 U.S.C. § 1407. See \_\_\_ F.Supp.2d \_\_\_ (J.P.M.L. 2009). With the consent of that court, all such actions have been assigned to the Honorable Barry Ted Moskowitz.

It appears that the actions on this conditional transfer order involve questions of fact that are common to the actions previously transferred to the Southern District of California and assigned to Judge Moskowitz.

Pursuant to Rule 7.4 of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, 199 F.R.D. 425, 435-36 (2001), these actions are transferred under 28 U.S.C. § 1407 to the Southern District of California for the reasons stated in the order of October 6, 2009, and, with the consent of that court, assigned to the Honorable Barry Ted Moskowitz.

This order does not become effective until it is filed in the Office of the Clerk of the United States District Court for the Southern District of California. The transmittal of this order to said Clerk shall be stayed 15 days from the entry thereof. If any party files a notice of opposition with the Clerk of the Panel within this 15-day period, the stay will be continued until further order of the Panel.

Inasmuch as no objection is pending at this time, the stay is lifted.

Nov 02, 2009

CLERK'S OFFICE  
UNITED STATES  
JUDICIAL PANEL ON  
MULTIDISTRICT LITIGATION

FOR THE PANEL:

A handwritten signature in dark ink, appearing to read "Jeffery N. Lüthi".

Jeffery N. Lüthi  
Clerk of the Panel

I hereby attest and certify on 11/4/09  
That the foregoing document is a full, true and correct copy of the original on file in my office and in my legal custody.

CLERK, U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

By Deputy

**IN RE: HYDROXYCUT MARKETING  
AND SALES PRACTICES LITIGATION**

MDL No. 2087

**SCHEDULE CTO-1 - TAG-ALONG ACTIONS**

**DIST. DIV. C.A. #**

**CASE CAPTION**

**CALIFORNIA CENTRAL**

CAC 2 09-4529

Sarah Kwon v. Iovate Health Sciences, U.S.A., Inc., et al.

**CALIFORNIA NORTHERN**

CAN 3 09-3861

Hector Manuel Abarca, et al. v. Iovate Health Sciences, U.S.A., Inc., et al.

**GEORGIA NORTHERN**

GAN 1 09-1909

Monique Cooper v. Iovate Health Sciences, Inc., et al.

GAN 1 09-2713

James Christopher Thompson, et al. v. Iovate Health Sciences, Inc., et al.

**NEW YORK SOUTHERN**

NYS 1 09-6334

Martin Robertson, et al. v. Iovate Health Sciences, Inc., et al.

NYS 1 09-6740

Juan A. Noyola, II v. Iovate Health Sciences U.S.A., Inc., et al.

NYS 1 09-8630

Richard A. Bough v. Kerr Investment Holding Corp., et al.

**OHIO NORTHERN**

OHN 3 09-1944

Christopher Hamilton, et al. v. Iovate Health Sciences, U.S.A., Inc., et al.

**WEST VIRGINIA SOUTHERN**

WVS 2 09-995

Rhonda M. Hawkins v. Iovate Health Sciences, Inc., et al.